

**MINUTES  
URBAN COUNTY PLANNING COMMISSION  
ZONING ITEMS PUBLIC HEARING**

**January 29, 2015**

- I. **CALL TO ORDER** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2<sup>nd</sup> Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Will Berkley; Patrick Brewer; Mike Cravens; David Drake; Karen Mundy; Mike Owens, Chair; Carolyn Plumlee; Carolyn Richardson; Joseph Smith (arrived at 1:35 p.m.); and William Wilson. Absent was Frank Penn.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Traci Wade; Tom Martin; and Stephanie Cunningham. Other staff members present were: Tracy Jones and Andrea Brown, Department of Law; Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire and Emergency Services; Tim Queary, Urban Forester; Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 9-0 (Penn and Smith absent) to approve the minutes of the December 18, 2014, and January 15, 2015, meetings.

- III. **POSTPONEMENTS AND WITHDRAWALS** – No such items were presented.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, January 8, 2015, at 8:30 a.m. The meeting was attended by Commission members: Karen Mundy, Joe Smith, Carolyn Plumlee, and Mike Owens. (Commission members Will Berkley and Frank Penn were absent.) Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman and Kelly Hunter, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services. The Committee made recommendations on plans as noted.

General Notes

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

Note: The Planning Commission postponed this item at their January 15, 2015, meeting. This plan requires the posting of a sign, and an affidavit of such.

- A. DP 2015-1: SIKURA-JUSTICE PROPERTY, UNIT 6 (POLO CLUB CENTER) (AMD) (3/24/15)\* - located at 2945 Polo Club Boulevard. (Council District 12)  
**(CMW, Inc.)**

Note: The purpose of this amendment is to add an office building and revise the layout of the townhouse area.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Provided the Planning Commission makes a finding that the plan complies with the EAMP.
12. Revise note #7.
13. Revise townhouse dumpster location.
14. Resolve note #13.
15. Resolve building envelope conflicts and proposed dwelling unit size.
16. Resolve townhouse access, parking, circulation and driveway locations.

Staff Presentation: Mr. Martin presented a rendering of this development plan, noting that consideration of it had been postponed by the Planning Commission at their January 15<sup>th</sup> meeting. He briefly oriented the Commission to the location of the subject property at the intersection of Man O' War Boulevard and Polo Club Boulevard. The property, which is just over eight acres in size, is located in the Community Center (CC) zone, along with a drugstore, bank, and gas station.

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Mr. Martin stated that the purpose of this amendment is to adjust the location of a proposed 5,200 square-foot commercial building, and to reduce the number of townhouses from 14 to seven. The petitioner is proposing to retain the original square footage of the townhouses, since the CC zone has a minimum residential floor area requirement, by making the seven units very large in size. A semi-circular access drive is proposed to serve the townhouses, which back up to the existing greenway system. Mr. Martin said that the staff and the Subdivision Committee recommended approval of this plan, subject to the 16 conditions as listed on the agenda. He noted that staff of the Divisions of Planning and Traffic Engineering had reviewed an electronic version of a revision to this plan, which addressed several of those conditions.

Mr. Martin said that the staff had distributed copies of their Expansion Area Master Plan (EAMP) compliance report, since the Commission must make a finding that the proposed plan complies with the EAMP. The staff believes that the land use and residential/commercial mix are in compliance with the recommendations of the EAMP, particularly since the potential exists for more retail uses to be added in the future. With regard to the infrastructure component, Mr. Martin explained that all of the infrastructure elements, including streets, sewers, and greenway, are in place and complete. The proposed development will use existing stormwater and sanitary sewer systems, which are served by a major trunk line and newly-constructed pump station off of Winchester Road.

Mr. Martin stated that the staff did carefully review this plan with regard to the EAMP community design element, considering the entirety of this CC area. He explained that considerable effort by the staff, the developer, and the neighborhood went into the layout of this community center, to provide for adequate landscaping, public space, and a future connection across the greenway. At that time, the townhouse area was well-defined on the plan, with hardscape elements to separate it from the rest of the development, as well as a strong pedestrian connection. The staff reviewed this amendment with concern about maintaining those good design elements for the overall CC area. Mr. Martin again said that the staff had reviewed an electronic version of a revision to this plan, and it did address the staff's concerns as outlined in the EAMP compliance report. The petitioner has agreed to address the parking spaces near the main entrance; strengthen the pedestrian system; and provide a defining landscape element for the townhouse area, among other concerns.

Note: Mr. Smith arrived at this time.

Commission Questions: Ms. Plumlee asked where the dumpster was proposed to be located. Mr. Martin indicated that the dumpster would be located adjacent to the access to Polo Club Boulevard, inside a brick walled enclosure. He added that it would also be screened with landscaping.

Mr. Brewer asked if the revised version of the plan that the staff had informally reviewed had addressed all of the concerns outlined by the staff in the EAMP Compliance Report. Mr. Martin responded that the revised plan had made excellent progress toward addressing all of the staff's concerns.

Petitioner Representation: Brad Boaz, CMW, Inc., was present representing the petitioner. He stated that the petitioner had received the Subdivision Committee members' comments at their January 8<sup>th</sup> meeting, and had worked diligently to address their concerns as quickly as possible. Mr. Boaz said that the petitioner is in agreement with the staff's recommendations, and he requested approval. He entered the required affidavit and photo of sign posting on the property into the record.

Action: A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 10-0 (Penn absent) to approve DP 2015-1, including a recommendation that this plan complies with the requirements of the Expansion Area Master Plan.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, January 8, 2015, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

**A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS**

1. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: (Available upon request, and for viewing at:  
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)

The Zoning Committee made no recommendation on this request.

The Staff Recommends: Approval for the following reasons:

1. The 2013 Comprehensive Plan recommends "strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that

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showcase Lexington-Fayette County as the Horse Capital of the World” (Theme C, Goal #1, Obj. B); “encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism” (Theme C, Goal #1, Obj. E); and “providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington” (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.

2. The *Rural Land Management Plan* (1999) acknowledged that “the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong” (page I-4), and called for greenways, staging areas and trails, as well as public access to the community’s unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community’s overall quality of life.

Chair Comments: Mr. Owens said that the Commission had an excellent discussion about this text amendment at their recent work session, but they felt that they needed to further review it at an additional work session in February. He stated that the Commission believes that it would be appropriate at this time to continue this item to their March 26, 2015, meeting.

Action: A motion was made by Ms. Mundy, seconded by Ms. Plumlee, and carried 10-0 (Penn absent) to continue ZOTA 2014-4 to March 26, 2015.

2. **ZOTA 2015-1: MOBILE FOOD UNIT VENDORS AS ACCESSORY USES IN THE P-1 ZONE** – petition for a Zoning Ordinance text amendment to Article 8-15(o) to allow mobile food unit vendors (aka food trucks) as an accessory use in a Professional Office Project, as permitted within the Professional Office (P-1) zone. The proposed text amendment also requires such vendors to locate at least 500 feet from any residentially zoned property.

INITIATED BY: Urban County Council

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

## **ARTICLE 8: SCHEDULE OF ZONES**

### **8-15 PROFESSIONAL OFFICE (P-1) ZONE**

#### **8-15(o) Special Provisions**

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

#### **As a principal permitted use:**

1. Extended-Stay Hotels.
2. Mail Service Facilities.

#### **As accessory uses:**

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.
3. Mobile food unit vendors to serve employees and visitors of a permitted principal or conditional use, provided that

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the requirements of Section 15-11 of the Code of Ordinances are met and that the mobile food unit is located no closer than five hundred (500) feet from any property zoned residential.

**As conditional uses:**

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building containing a minimum of 40,000 square feet of floor area.
  - b. It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
  - c. It shall have no more than one public entrance and one service entrance directly to the outside of the building, and that this use shall be at least one hundred fifty (150) feet from any residential zone.
  - d. It shall have no drive-in or drive-through food service.
  - e. There shall be no more than two restaurants within an office building, provided that the 25% limitation is not exceeded.
  - f. Signs permitted per office building may be used to identify the restaurant and/or the office use.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reasons:

1. The text amendment to the Professional Office (P-1) zone will allow mobile food unit vendors (i.e., food trucks) as an accessory use within a Professional Office Project of 10 acres or larger, which may provide improved access to food options during working hours and may reduce vehicle trips to areas outside of a Project for meals.
2. The amendment will establish a minimum buffer distance of 500 feet from any residential zone in order to minimize any potential negative impacts of mobile food unit vendors upon adjacent neighborhoods or residences.

Staff Presentation: Ms. Wade stated that the proposed text amendment was initiated by the Urban County Council in December of 2014, and forwarded to the Planning Commission for their consideration. It proposes a modification to Article 8-15 of the Zoning Ordinance, which regulates the P-1 zone, to add language to the Special Provisions section related to Professional Office Projects.

Ms. Wade explained that Professional Office Projects are only permitted in the P-1 zone; they must be located on a 10-acre contiguous area of P-1 zoning, and must be approved by the Planning Commission. She referred to a map, prepared by the staff, of all of the existing P-1 zoning in Lexington-Fayette County, with an overlay indicating those areas that have been approved as Professional Office Projects. There are approximately 10 to 15 existing Professional Office Projects, some of which appear to be grouped together, such as the St. Joseph East Hospital area, but are actually depicted on separate development plans.

Ms. Wade stated that the Council proposed to add an accessory use to allow mobile food unit vendors to serve, on a temporary basis, within Professional Office Projects. In reviewing the proposed text as part of the Council committee process, Mr. King indicated that there was some concern among the Planning staff about copying text that had been used in a similar text amendment for the B-4, I-1, and E-D zones for use in the P-1 zone. The Council then reviewed the text and made some changes, the result of which is the text as it is currently proposed. It would allow mobile food unit vendors in the P-1 zone only in Professional Office Projects, with a requirement that they be located at least 500' from any adjacent residential zone. Ms. Wade stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Citizen Comment: There were no citizens present to comment on this proposal.

Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Penn absent) to approve ZOTA 2015-1, for the reasons provided by staff.

**VI. COMMISSION ITEMS**

- A. SCHEDULE WORK SESSION** – the Commission will consider scheduling a work session on February 19, 2015, at 1:30 p.m. in the Council Chambers at 200 East Main Street.

Chairman Comments: Mr. Owens stated that the Commission had determined that they needed to further discuss ZOTA 2014-4 at a work session in February. Since no such work session was previously included on the 2015 Meeting & Filing Schedule, the Commission would need to take action to add it.

Citizen Comment: There were no citizens present to comment on this proposal.

Action: A motion was made by Ms. Plumlee, seconded by Mr. Wilson, and carried 10-0 (Cravens abstained; Penn absent) to add a work session on February 19, 2015, to the Planning Commission's official Meeting & Filing Schedule.

**VII. STAFF ITEMS**

- A. CHANGE TO THE LFUCG PLANTING MANUAL** – an amendment to the Planting Manual to update the lists of acceptable and unacceptable planting material (trees, shrubs and ground cover) and to make minor changes to the text.

The Staff Recommends: **Approval**, and will report at the hearing.

Staff Presentation: Ms. Wade stated that she and Mr. Queary had previously discussed this requested change to the LFUCG Planting Manual with the Planning Commission at their work session in December. She said that, in October of 2014, the Tree Board requested that the Planning Commission adopt their proposed changes to the Planting Manual, which is adopted by reference to the Land Subdivision Regulations and the Zoning Ordinance.

Ms. Wade explained that the Planting Manual is used by citizens, developers, and the Division of Parks and Recreation in planting street trees, commercial landscaping, and shrubs. It covers a broad range of topics related to trees, including: picking the right species; pruning; and instructions for planting. The proposed changes include some minor "tweaks" to the text of the Planting Manual, with the majority of the changes falling within the acceptable and unacceptable tree lists. The Tree Board reviewed those lists in detail, adding more information about tree characteristics and moving some trees into different size categories. They also added a few new trees to the acceptable and unacceptable species tables. Ms. Wade stated that the staff is recommending approval of the proposed changes to the Planting Manual.

Commission Question: Ms. Plumlee asked if any changes had been made to the tree canopy requirement. Ms. Wade answered that the proposed changes did not include the tree canopy requirements. Mr. Sallee added that the tree canopy requirements are part of the Zoning Ordinance, so any revisions to them would require a text amendment.

Action: A motion was made by Ms. Mundy, seconded by Ms. Richardson, and carried 10-0 (Penn absent) to accept the proposed changes to the Planting Manual as drafted by the Tree Board.

**VIII. AUDIENCE ITEMS** – No such items were presented.**IX. MEETING DATES FOR February, 2015**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 5, 2015
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	February 5, 2015
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>February 12, 2015</b>
Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	February 19, 2015
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 25, 2015
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>February 26, 2015</b>

- X. ADJOURNMENT** – There being no further business, Chairman Owens declared the meeting adjourned at 1:53 p.m.

TLW/TM/CT/BJR/BS/src

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